

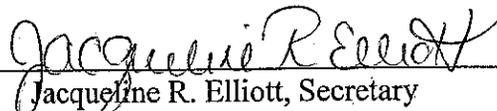
IN RE:

AN ORDINANCE OF THE TOWNSHIP OF JACKSON,
COUNTY OF MONROE, COMMONWEALTH OF
PENNSYLVANIA, DECLARING CERTAIN NUISANCES
ILLEGAL; PROVIDING FOR WRITTEN NOTICE TO
VIOLATORS; PRESCRIBING PENALTIES FOR
VIOLATIONS; AND PROVIDING FOR SEVERABILITY,
REPEALER AND EFFECTIVE DATE.

CERTIFICATION

I hereby certify that the attached Ordinance is a true and correct copy of the Ordinance
enacted by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, on the
12th day of November, 2009.

(TOWNSHIP SEAL)



Jacqueline R. Elliott, Secretary
Jackson Township Supervisors
P.O. Box 213
Reeders, PA 18352

**JACKSON TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2009- 101

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA, DECLARING CERTAIN NUISANCES ILLEGAL; PROVIDING FOR WRITTEN NOTICE TO VIOLATORS; PRESCRIBING PENALTIES FOR VIOLATIONS; AND PROVIDING FOR SEVERABILITY, REPEALER AND EFFECTIVE DATE.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, pursuant to the general powers permitted by the Second Class Township Code (53 P.S. § 65101) and the specific powers permitted by Section 2326 of the Second Class Township Code (53 P.S. §67326), the following:

SECTION 1. CERTAIN NUISANCES DECLARED ILLEGAL

The following are hereby declared to be illegal nuisances:

A. *Obstructing Township Roads or Rights-of-Way.*

No person shall deposit or divert, or cause to be deposited or diverted, any snow, ice, water, leaves, dirt or any other obstruction onto any public road, right-of-way or fire hydrant in Jackson Township. It shall not be a violation of this section for the Pennsylvania Department of Transportation or Jackson Township to place snow or ice on public roads incident to the cleaning thereof or on curbs incident to the clearing of public sidewalks.

B. *Parking on Township Roads or Rights-of-Way during Snowstorms or Road Maintenance.*

No person shall park or allow to be parked any vehicle or other object on a public road or right-of-way during an ice or snowstorm, or while ice or snow removal is in progress, or during any regular road maintenance. Any vehicle not in compliance with the provisions of this section shall be towed at the owner's expense.

C. *Placement of Mailboxes or Fences in Public Right-of-Way.*

No person shall place or allow to be placed any mailbox or fence in a public right-of-way. Any mailboxes or fences located on a Jackson Township right-of-way that sustain damage during regular road maintenance or during ice or snow removal will be the sole responsibility of the box or fence owner. All mailboxes must be shoveled out by the box owner or resident for mail delivery.

SECTION 2. WRITTEN NOTICE TO VIOLATORS

A. Whenever a condition constituting a nuisance as defined in this ordinance is permitted or maintained, the Board of Supervisors shall cause written notice to be served upon the owner or responsible party in one of the following manners:

1. By making personal delivery of the notice to the owners; or
2. By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence; or
3. By fixing a copy of the notice to the door at the entrance of the premises in violation; or
4. By mailing a copy of the notice to the last known address of the owner by certified mail; or
5. By publishing a copy of the notice in The Pocono Record once a week for two (2) successive weeks.

B. The written notice shall set forth in what respect the condition constitutes a nuisance, whether removal is necessary and required by the Township, or whether the condition can be corrected by repairs or alterations.

C. The notice shall require the owner to commence action in accordance with the terms thereof immediately upon receipt of the notice and thereafter, to comply fully with its terms as soon as practicable but not more than five (5) days thereafter. All material to be supplied and work to be done shall be provided at the owner's expense.

D. Prior written notice shall not be required before towing a vehicle or other object that is in violation of Section 1(B) of this ordinance.

SECTION 3. PENALTIES

A. This ordinance regulates building, housing, property, maintenance, health, fire, public safety, air or noise pollution, and shall be enforced pursuant to 53 P.S. 566601(c.1)(2) of the Pennsylvania Second Class Township Code, as hereafter amended from time to time.

B. Enforcement thereof shall be by an action before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Civil Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.Crim.P. No. 83(c) (relating to trial and summary cases).

C. The Board of Supervisors hereby sets a criminal fine in the amount of One Thousand (\$1,000.00) Dollars per violation, and the costs of prosecution.

D. The Board of Supervisors may direct the removal, repair, or alterations, as the case may be, to be done by the Township and to certify the costs thereof to the Township solicitor, the cost of such removal, repairs or alterations shall be a lien upon such premises from the time of such removal, cutting, repairs and alterations which date shall be determined by the certificate of the person doing such work, and filed with the Township Secretary.

E. The Township, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation or seek any such other relief as any such court of competent jurisdiction is empowered to afford.

SECTION 4. SEVERABILITY.

The provisions of this Ordinance are severable. If any sentence, clause or section is for any reason found to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provisions had not been included herein.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect five (5) days after the date of its enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, this 12th day of November, 2009.

**BOARD OF SUPERVISORS OF
JACKSON TOWNSHIP**

Jack Rader, Jr., Chairman

Donald C. Kresge Sr.
Donald C. Kresge, Sr., Vice Chairman

David B. Thomas
David B. Thomas, Supervisor

ATTEST:

Maureen R. Elliott
Secretary

(TOWNSHIP SEAL)